

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ISAIAH PRICE,

Petitioner,

v.

Civil No. 2:16-CV-10992
HONORABLE ARTHUR J. TARNOW
UNITED STATES DISTRICT JUDGE

TONY TRIEWEILER,

Respondent,

_____ /

**OPINION AND ORDER DISMISSING THE CURRENT PETITION AS
DUPLICATIVE OF CASE # 2:16-CV-10724 AND DIRECTING THE
CLERK OF THE COURT TO RE-FILE THE PLEADINGS IN CASE # 2:16-
CV-10992 UNDER CASE DOCKET # 2:16-CV-10724**

Isaiah Price, (“Petitioner”), confined at the Bellamy Creek Correctional Facility in Ionia, Michigan, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. In his *pro se* application, petitioner challenges his conviction for first-degree criminal sexual conduct, M.C.L.A. 750.520b(2)(a).

Petitioner previously filed a petition for writ of habeas corpus, which challenged the same conviction and sentence and raises the same claim as the one being raised in the current petition. This case remains pending before Judge Nancy G. Edmunds. See *Price v. Triewelier*, No. 2:16-CV-10724 (E.D. Mich.). Petitioner was ordered in that case to provide

additional copies of his habeas petition for service upon Respondent and the Attorney General. (See Doc. # 3).

On March 17, 2016, petitioner filed the current petition for writ of habeas corpus, which was assigned the current case number. Petitioner seeks habeas relief from the conviction that he challenges in his previous habeas petition that is pending before Judge Edmunds.

The Court will dismiss the current petition as duplicative of that petition. The Court will further order that the pleadings filed in this case be re-filed by the Clerk of the Court under Case Docket # 2:16-CV-10724.

The Court will dismiss the current petition, because it is duplicative of the habeas petition pending before Judge Edmunds. A suit is duplicative, and thus subject to dismissal, if the claims, parties, and available relief do not significantly differ between the two actions. *See Barapind v. Reno*, 72 F. Supp. 2d 1132, 1145 (E.D. Cal. 1999)(internal citations omitted).

Petitioner's current habeas petition is subject to dismissal as being duplicative of his first habeas petition, because both cases seek the same relief. *Id.*; *See also Davis v. U.S. Parole Com'n*, 870 F. 2d 657 (Table), No. 1989 WL 25837, * 1 (6th Cir. March 7, 1989)(district court can properly dismiss a habeas petition as being duplicative of a pending habeas petition, where the district court finds that the instant petition is essentially

the same as the earlier petition); *Marks v. Wolfenbarger*, No. 06-CV-14325; 2006 WL 2850340 (E.D. Mich. October 3, 2006)(same).

IT IS HEREBY ORDERED that the petition for writ of habeas corpus is DISMISSED AS DUPLICATIVE OF THE PETITION FILED IN CASE # 2:16-CV-10724.

IT IS FURTHER ORDERED that the Clerk of Court shall re-file in Case Docket # 2:16-CV-10724, docket entry 1 from Case Docket # 2:16-10992.

s/Arthur J. Tarnow

HON. ARTHUR J. TARNOW

UNITED STATES DISTRICT JUDGE

DATED: March 22, 2016